

TITLE 8 DEVELOPMENT CODE
DIVISION 4: LAND USES
CHAPTER 5: ACCESSORY USES.
Sections:

84.0501	Intent.
84.0505	General Accessory Uses.
84.0510	Uses Accessory to Primary Residential.
84.0520	Uses Accessory to Primary Agricultural.
84.0530	Uses Accessory to Primary Commercial.
84.0540	Uses Accessory to Primary Industrial.
84.0550	Accessory Residential Dwellings.
84.0560	Accessory Animal Raising.
84.0565	Accessory Wind Energy Systems

84.0501 Intent.

This Chapter establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

Readopted Ordinance 3341 (1989)

84.0505 General Accessory Uses.

(a) In addition to the accessory use types and accessory uses specifically provided for by this section or elsewhere within Title 8 of the San Bernardino County Code, each land use shall be deemed to include such other accessory uses which are necessarily and customarily associated with and are clearly incidental and subordinate to the land use. Whenever such accessory uses are questioned, it shall be the responsibility of the Planning Officer to determine if a proposed accessory use meets the criteria set forth in this section. Prior to making a determination whether or not a proposed accessory use meets the criteria set forth in this section, the responsible official shall give notice to all contiguous property owners in accordance with provisions for Staff Review with Notice.

(b) The combination of Accessory and Primary use structures shall not exceed the maximum lot coverage specified by the land use district.

(c) Permitted accessory buildings shall be located on either the same parcel as the main building or main use or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. They shall be placed within the building envelope or as specified by the Table of Projections in Division 7.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990); Amended Ordinance 3611 (1995); Amended Ordinance 3779 (1999)

84.0510 Uses Accessory to Primary Residential.

The following uses shall be permitted as accessory uses to each single dwelling unit which is allowed by the subject land use district.

(a) Additional residential dwelling. Only one of the following shall be allowed on parcels less than five (5) acres. Each additional residential dwelling shall provide two (2) additional parking spaces, except as otherwise provided by this Title.

(1) Second dwelling unit. A second dwelling unit is an additional dwelling unit either attached or detached that is allowed in any land use district that permits a single dwelling unit, provided that the lot area of the subject property is at least two (2) times the minimum lot size specified by the land use district for the subject property. If a parcel or lot with a second dwelling unit is subsequently subdivided, the County may require the second dwelling unit be moved if proper setbacks and other development standards cannot be met.

(2) Dependent Housing, as defined in Division 12 and subject to Special Use Permit.

(3) Caretaker Housing as allowed by Section 84.0550, subject to a Department Review/Conditional Use Permit.

(b) Guest Housing. Residential occupancy of a living unit, with bathroom plumbing only, located on the same parcel as the primary dwelling unit, but separated from it by at least ten (10) feet. This housing is for use by temporary guests of the occupants of the primary dwelling unit and is not to be rented or otherwise used as a separate dwelling, except as provided by this Section. In the Single Residential or Multiple Residential Land Use Districts on parcels less than of 2 ½ acres in size, the guest housing unit shall not extend beyond the principal unit where such principal unit faces a street right-of-way.

(c) Carport and/or garage. Detached structures shall be limited to a four (4) vehicle capacity on lots less than 20,000 square feet.

Vehicle capacity is calculated by multiplying a 14 x 19 parking space (adequate for handicapped persons) by the desired number of vehicles to be housed in the garage/carport. Additional storage space (approximately 136 sq. ft.) is added totalling a 1200 sq. ft. maximum four (4) vehicle capacity. These provisions pertain to detached garage/carports only.

(d) Accessory structures such as a cabana, play yard, tennis court, porch, ramada, awning, patio slab, water tower and well, swimming pool, storage buildings and similar uses. Parcels that are one acre or less shall be limited to only one detached storage building that exceeds one hundred twenty (120) square feet and such storage building shall not exceed one thousand (1,000) square feet. Accessory structures shall not extend in front of the principal unit where such principal unit faces a right-of-way, and they shall be constructed to be compatible with the residential environment of the neighborhood. Freight containers, railroad cars, intermodal containers and similar structures shall not be permitted as accessory structures in the Single Residential or Multiple Residential Land Use Districts.

(e) Accessory Animal raising as specified by Section 84.0560 of this chapter.

(f) Board and room for no more than two (2) people.

(g) Special Use Permits shall be required for the following:

(1) Home occupations.

(2) Exotic Animals.

(3) Private Kennels.

(4) Bed and Breakfast.

(5) Dependent Housing.

(h) Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

(i) Accessory crop production on lots of 10,000 square feet or more, with a temporary sales facility for plant or animal products grown on the subject property, which facility shall be no greater than two hundred (200) square feet in area and which facility shall display such produce for sale for no greater than seventy-two (72) hours in any calendar month.

(j) Private Office for the sole use of the dwelling unit occupants, within a main building and with no external advertising or signs.

(k) Design Standards: In the Single Residential or Multiple Residential Land Use Districts, the appearance of any accessory structure erected, constructed or set down in accordance with the provisions of this section shall be similar to, or compatible with, the appearance of the principal residence to which the structure is to be accessory or to the surrounding neighborhood.

Readopted Ordinance 3341 (1989); Amended Ordinance 3483 (1992); Amended Ordinance 3616 (1995); Amended Ordinance 3864 (2002); Amended Ordinance 3868 (2002).

84.0520 Uses Accessory to Primary Agriculture.

The following uses shall be permitted as accessory uses to Primary Agricultural uses which are allowed by a land use district.

(a) Animal Raising.

(1) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g. barn, corral, stable, pens and coops). Such structures shall comply with all developments standards including those specified by the land use district and this section.

(2) Animal Separation.

(A) All animals, other than cats, dogs, canaries or birds of the psittacinae family, shall be restrained at least seventy (70) feet, measured in a straight line, from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.

(B) Such animals shall maintain a clearance of at least five (5) feet from interior side and rear property lines, and fifteen (15) feet from side street rights-of-way, excepting an alley or bridle path, unless they comply with the following Subsection (c).

(C) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right-of-way.

(D) All animals shall be kept no closer than one hundred (100) feet from any domestic water well.

(3) Newborn Animal Exception. Offspring of animals maintained on the same property in accordance with applicable laws and regulations which are less than four (4) months old or which have not been weaned, whichever is longer, of any animals which are maintained in compliance with the provisions of this code and any other applicable laws, ordinances and regulations shall not be subject to the maximum density or number limitations established by the Land Use District.

(b) Row field tree and nursery crop and animal product sales stand. The retail trade of plant or animal products primarily grown on the subject property shall be allowed when displayed from one (1) stand with a floor area not to exceed two hundred (200) square feet on lots greater than 10,000 square feet.

Readopted Ordinance 3341 (1989)

84.0530 Uses Accessory to Primary Commercial.

The following uses shall be permitted as accessory uses to primary commercial uses which are allowed by a land use district.

- (a) Accessory Residential Dwellings as specified by Section 84.0550 of this Chapter.
- (b) Parking Structures and lots.
- (c) Accessory signs as specified by Division 7 and the Land Use District.
- (d) Recycling facilities subject to Special Use permit.
- (e) Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

Readopted Ordinance 3341 (1989)

84.0540 Uses Accessory to Primary Industrial.

The following uses shall be permitted as accessory uses to primary industrial uses as allowed by the land use district.

- (a) Accessory Residential Dwellings as specified by Section 84.0550 of this Chapter.
- (b) Parking structures and lots.
- (c) Accessory signs as specified by Division 7 and the land use district.
- (d) Recycling facilities subject to Special Use Permit.
- (e) Exterior storage shall be fully and solidly screened when adjacent to a non-industrial land use district and kept below the level of the fence for at least ten (10) feet from such fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

Readopted Ordinance 3341 (1989)

84.0550 Accessory Residential Dwellings.

The following residential dwellings are allowed subject to Land Use Compliance Review as an accessory use to a primary agricultural, commercial, industrial or institutional use where such use demonstrates the need for on-site residency of one or more people to maintain, operate and/or secure the primary non-residential land use on the property.

- (a) Caretaker Housing. Residential occupancy of a dwelling unit by the owners, operators or caretaker employed to guard or operate part or all of the property on which the caretaker dwelling is located as an accessory use. The caretaker dwelling unit may be located either above the first floor or behind a primary commercial use.
- (b) Labor Quarters. Residential occupancy of single or multiple dwelling units with individual, shared or no kitchen facilities to provide housing for the employees and their families of agricultural, mining, logging major construction, scientific exploration or other remote land uses.

Readopted Ordinance 3341 (1989)

84.0560 Accessory Animal Raising for Primary Single Dwelling Unit.

(a) This section establishes regulations to allow animal raising as an accessory use to a primary single dwelling unit. Combinations of the animal types are allowed, provided:

- (1) The total number in each category is not exceeded.
 - (2) Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once, to either a primary or accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.
 - (3) Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory or primary animal raising use.
 - (4) For the purpose of this Section, lots with attached multiple residential structures shall be limited to those animals allowed by Subsection 84.0560 (h) (1) and (2) for lots less than 7200 square feet.
- (b) All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.
 - (c) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g. barn, corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.
 - (d) Animal Separation.

(1) All animals, other than cats, dogs, canaries or birds of the psittacinae family, shall be maintained at least seventy (70) feet, measured in a straight line, from any structure or area used for human habitation or public assembly (e.g. parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.

(2) Such animals shall maintain a clearance of at least five (5) feet from interior side and rear property lines, and fifteen (15) feet from side street rights-of-way, excepting an alley or bridle path, unless they comply with the following Subsection (3).

(3) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than 6 inches apart, solid masonry or other appropriate solid screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right-of-way.

(4) All animals shall be kept no closer than one hundred (100) feet from a domestic water well.

(e) Accessory animal raising of densities greater than or of animal types different from those specified by this section shall be subject to a Special Use Permit (e.g. educational animal projects or temporary grazing operations).

(f) Newborn Animal Exception. Offspring of animals maintained in accordance with applicable laws and regulations which are less than four (4) months old or which have not been weaned, whichever is longer, of any animals which are maintained in compliance with the provisions of this Code and any other applicable laws, ordinances and regulations shall not be subject to the maximum density or number limitations established by this Title.

(g) Confined Animals. Animals which are normally maintained in aquariums, terrariums, vivariums, bird cages, or similar devices each of which does not exceed fifty (50) cubic feet and where such devices are maintained within an enclosed building shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

(h) Permitted Accessory Animal Raising

	ANIMAL TYPE	MINIMUM LOT AREA	MAXIMUM DENSITY OR NUMBER
1)	A combination of dogs and/or cats; pot bellied pigs (under 50 pounds)	<7,200 sq. ft. 7,200 sq. ft. 10,000 sq. ft. 20,000 sq. ft. or more	2/lot or unit 3/lot 4/lot *5/lot
*Five (5) or more dogs and/or cats constitute a private kennel or cattery which require a Special Use Permit (SUP) and a Public Health permit. See Section 84.0630 of this Title for provisions for private kennels and catteries.			
2)	A combination of chickens or similar fowl (hens only) (hens only) Rabbits or other similar small animals	less than 7,200 sq. ft. 7,200 sq. ft. 10,000 sq. ft. 20,000 sq. ft. or more	2/lot or unit 3/lot 4/lot 1/2,000 sq. ft. Maximum 9 of each species per lot
3)	Male Fowl	1 acre	Maximum 9 per lot but no more than two of any species
4)	Sheep and/or Goat (female) Goat (male)	7,200 sq. ft. 7,200 sq. ft. 20,000 sq. ft.	1/lot 1/5,000 sq. ft. 1/lot (Cumulative total of sheep and goats is 9 per lot)
5)	Cattle, buffalo, horses or similar large domesticated animals	20,000 sq. ft. with 60' min. frontage	1/10,000 sq. ft. Maximum 9 (Cumulative total of all large domesticated animals is 9 per lot)

NOTE: Matrices for primary animal raising for a specific land use district apply where the animal raising is a primary use as opposed to an accessory use.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3446 (1991); Amended Ordinance 3612 (1995)

84.0565 Accessory Wind Energy Systems.

(a) Accessory wind energy systems shall be subject to an Accessory Wind Energy System Permit and shall be subject to the following requirements and standards. Units that generate less than one kilowatt of power and that are 35 feet or less in height are exempt from this requirement to obtain an Accessory Energy System Permit.

(b) These systems shall be allowed in all land use districts.

(c) Normally, only one unit per parcel shall be allowed. However, additional units may be allowed at the rate of one unit for every ten acres to a maximum of three units. The acreage requirement may be met by one parcel or the total acreage of multiple parcels held under common ownership. Units shall be installed with at least 240 feet separation from each other. If the units are one kilowatt units and are limited to 50 feet in height, a maximum of two units may be installed per five acres. Additionally, the separation between such units may be reduced to twice the height of the systems.

(d) The following tower height limitations shall apply to all accessory wind energy systems, provided that the application for such a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system:

Land Use District	Valley Area	Mountain Area	Desert Area
RS and RM	52.5'	52.5'	52.5'
RL (on parcels less than 2.5 Acres)	65'	65'	80'
RL (on parcels 2.5 acres to less than 5 acres)	65'	65'	100'
RL- 5 or Greater, AG, RC	80'	80'	120'
All other districts	65'*	65'*	80'*

*Or the maximum structure height specified in the development standards for the land use district in which the system is located.

Variances to these standards may be granted if approved in accordance with Section 83.030905 of the County Code.

(e) The minimum setback from any property line shall be equal to the system height.

(f) Climbing apparatus. Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

(g) Tower structure lighting is prohibited unless required by another code or regulation.

(h) Noise. The noise performance standards of Division 7 of this Title shall apply except during short-term events such as utility outages and windstorms.

(i) Visual Effects. An accessory wind energy system shall not substantially obstruct views of adjacent property owners and shall be placed or constructed below any major ridgeline when viewed from any designated scenic corridor as defined in the Scenic Resources Section of the County General Plan and Division 5, Chapter 3 of this Title.

(j) Accessory wind energy systems shall not be located within a scenic corridor as defined in the Scenic Resources Section of the County General Plan and Division 5, Chapter 3, Article 6 of the County Development Code.

(k) The system's turbine must be approved or have been approved by the California Energy Commission or certified by a national program such as the National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL).

(l) The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC) or the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by this state. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the UBC requirements for wind exposure D, the UBC requirements for Seismic Zone 4, and the requirements for a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.

(m) The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act.

(n) The application shall include a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(o) The system will be used primarily to reduce onsite consumption of electricity. Unless the applicant does not plan to connect the system to the electricity grid, he/she shall submit documentation from the electric utility service

provider that serves the proposed site confirming they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator.

(p) An accessory wind energy system shall not be allowed where otherwise prohibited by any of the following:

(1) The Alquist-Priolo Earthquake Fault Zoning Act.

(2) The terms of any easement.

(3) The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources.

(q) In the event an accessory wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the applicant shall take reasonable steps to notify pest control aircraft pilots registered to operate in the county.

(r) An accessory wind energy system shall not be sited on land within a restricted military airspace without first giving adequate notice to the governing authority of that airspace.

(s) Under normal occupancy, any accessory wind energy system that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owners of such system shall remove all structures within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. If such facility is not removed within said ninety (90) days, the County may remove all structures at the owner's expense.

Adopted Ordinance 3873 (2002); Amended Ordinance 3966